

This section referred to in construing section 137—see notes thereto. *Williams v. Holmes*, 9 Md. 287.

Cited but not construed in *Wood v. Conrey*, 62 Md. 544; *Biddison v. Mosely*, 57 Md. 94; *Jones v. Jones*, 36 Md. 463; *Gibbons v. Riley*, 7 Gill, 84. See notes to sections 137 and 138.

As to the jurisdiction of equity over suits for legacies, see art. 16, sec. 97.

As to the distribution by fiduciaries under the jurisdiction of equity, see art. 16, sec. 210, *et seq.*

Guardian and Ward.

1904, art. 93, sec. 143. 1888, art. 93, sec. 144. 1860, art. 93, sec. 144. 1798, ch. 101, sub-ch. 12, sec. 1. 1807, ch. 136, sec. 4. 1829, ch. 216, sec. 5.

1834, ch. 291, sec. 1. 1888, ch. 446.

144. Whenever land shall descend or be devised to a male under the age of twenty-one years, or to a female under the age of eighteen years, or any such male or female shall be entitled to a distributive share of the personal estate of any intestate, or to a legacy or bequest under a last will or codicil, or may acquire any real or personal property or estate by gift or by purchase, and the said male or female shall not have a guardian appointed by last will and testament, agreeably to law, the orphans' court of the county in which such infant shall reside shall have power to appoint a guardian to such infant until the age of twenty-one years, if a male, and until the age of eighteen, if a female or married; and such appointment may be made at any time after the probate of the will, or administration granted on the estate of the deceased under whom the infant appears to be so entitled to land, and it may be made if the court shall think proper, in the case of personal estate, either before or after the administrator shall have passed his account.

No appeal lies from the action of the orphans' court in appointing a guardian. The interest, and not the wishes, of the ward should control in such appointment. *Compton v. Compton*, 2 Gill, 241.

The right to appoint a guardian is not affected by the fact that a court of some other state has made a similar appointment. There may be a domestic guardian having charge of the infant's property, and a foreign guardian having charge of his person. A guardian appointed in another state has no authority to sue here. *Kraft v. Wickey*, 4 G. & J. 342.

The expression "lawful age" as used in a will, construed in the light of this section. For many purposes a female does not arrive at her majority until she is twenty-one. *McKim v. Handy*, 4 Md. Ch. 236.

The act of 1798, ch. 101, only removes the disabilities of infancy in the cases therein expressly provided. Though entitled to the possession of her property, a female under twenty-one can not dispose of it save as provided in section 322. *Davis v. Jacquin*, 5 H. & J. 109; *Fridge v. State*, 3 G. & J. 115; *Waring v. Waring*, 2 Bl. 674; *Bowers v. State*, 7 H. & J. 36; *Greenwood v. Greenwood*, 28 Md. 385.

This section does not affect the rule that a father has legal control over his daughter, and the right to her services until she is twenty-one. *Greenwood v. Greenwood*, 28 Md. 385. And see *Keller v. Donnelly*, 5 Md. 217.

In all cases where the jurisdiction of ordinary tribunals falls short, equity will appoint a guardian. *Waring v. Waring*, 2 Bl. 674; *Corrie's Case*, 2 Bl. 500. As to the jurisdiction of equity relative to guardians and wards, see also, *Crain v. Barnes*, 1 Md. Ch. 151; *Barnes v. Crain*, 8 Gill, 391.

This section referred to in construing section 165—see notes thereto. *Thaw v. Falls*, 136 U. S. 519.

Cited but not construed in *Contee v. Dawson*, 2 Bl. 273.